

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

ODETHEA NICHOLS,

PLAINTIFF,

vs

CV-2020-_____

PUBLIX SUPER MARKETS, INC.,

There may be other entities whose true
 names and identities are unknown to the
 plaintiffs at this time who may be legally
 responsible for the claim(s) set forth
 herein who may be added by amendment
 by the plaintiff when their true names and
 identities are accurately ascertained by
 further discovery. Until that time, the
 plaintiffs will designate these parties in
 accordance with ARCP 9(h). The word
 "entity" used herein is intended to refer
 to and include any and all legal entities
 including individual persons, any and all
 forms of partnership any and all types of
 corporations and unincorporated
 associations. The symbol by which
 these parties defendants are designated
 is intended to include more than one
 entity in the event that discovery reveals
 that the descriptive characterizations of
 the symbol applies to more than one
 "entity". In the present action, the
 party defendants which the plaintiffs
 must include by descriptive
 characterization are as follows:

DEFENDANT A, B, and C, the correct
 designation of the corporation or entity
 otherwise known and doing business as
 PUBLIX SUPER MARKETS, INC.
 at 5150 Old Springville Road, Pinson
 Alabama, and are otherwise unknown
 at this time, but will be added by
 amendment when ascertained;

)
 DEFENDANT D, E AND F, being the)
 correct designation of the entity that)
 owned or controlled, in whole or in part,)
 the entity otherwise known and doing)
 business as PUBLIX SUPER MARKETS,)
 INC. located at 5150 Old Springville Rd,)
 Pinson, Alabama, otherwise unknown)
 at this time, but will be added by)
 amendment when ascertained;)
)

)
 DEFENDANT G, H, and I, being the)
 correct designation of those persons,)
 corporations or other legal entity whose)
 wrongful conduct contributed to cause)
 the injuries and damages sustained by)
 the Plaintiff as alleged herein, whose true)
 and correct names are unknown to the)
 Plaintiff at this time but will be added by)
 amendment when ascertained;)
)

)
 DEFENDANTS.)

COMPLAINT

STATEMENT OF THE PARTIES

1. The Plaintiff Odethea Nichols alleges that, at all times material herein, she was, and is currently, an adult citizen of the state of Alabama, residing in Jefferson County, Alabama.

2. The Plaintiff Odethea Nichols further alleges that **Defendant Publix Super Markets, Inc.** is a corporation licensed to do business in Jefferson County, Alabama, at all material times herein.

3. The Plaintiff Odethea Nichols further alleges that Fictitious Defendants A, B, and C, is the correct designation of the corporation or other entity otherwise known and doing business as **Publix Super Market at Clay Marketplace (store #1069)**, located at 5150 Old Springville

Road, Pinson, Jefferson County, Alabama, 35126, whose true and correct name is unknown to the Plaintiff at this time but will be added by amendment when ascertained.

4. The Plaintiff Odethea Nichols further alleges that Fictitious Defendants D, E and F is the correct designation of the corporation or other legal entity who owned or controlled, in whole or in part, the company otherwise known and doing business as **Publix Super Market at Clay Marketplace**, located at 5150 Old Springville Road, Pinson, Jefferson County, Alabama, 35126, whose true and correct name is unknown to Plaintiff at this time but will be added by amendment when ascertained.

5. The Plaintiff Odethea Nichols further alleges that Fictitious Defendants G, H and I is the correct designation of person, corporation or other legal entity whose wrongful conduct contributed to cause the injuries and damages sustained by the Plaintiff, whose true and correct names are unknown to the Plaintiff at this time but will be added by amendment when ascertained.

STATEMENT OF THE FACTS

6. The Plaintiff Odethea Nichols alleges that on or about Sunday, July 26, 2020, around 12:00 p.m., she was a customer and business invitee of **Defendant, Publix Super Markets, Inc. (store #1069)** at the retail grocery store located at 5150 Old Springville Road, Pinson, AL 35126.

7. While shopping that day at said Publix grocery store after church, Ms. Nichols slipped and fell on a slippery substance on the floor in the aisle near the deli counter, which was hazardous and dangerous. This hazardous condition caused her feet to slide out from under her and lose her balance, resulting in her falling hard to the floor, injuring herself.

8. The Plaintiff Odethea Nichols further alleges that at no time were any warning signs or caution barriers placed in the area where she fell, so as to alert customers of the hazardous condition and prevent falls like that experienced by the Plaintiff.

9. The Plaintiff Odethea Nichols further alleges that no store personnel attempted to stop or warn her before she encountered the hazardous condition.

COUNT ONE

(Negligence)

10. The Plaintiff Odethea Nichols adopts and incorporates by reference each and every allegation set forth in the Statement of the Parties and Statements of the Facts as if fully set out herein.

11. The Defendants **Publix Super Markets, Inc. and Fictitious Defendants A through I**, is the owner and operator of the retail grocery located 5150 Old Springville Road, Pinson, Jefferson County, Alabama, 35126, made the basis of this suit.

12. The Defendants **Publix Super Markets, Inc. and Fictitious Defendants A through I**, had a duty to provide a safe premises for its customers and also had a duty to properly clean and remove the foreign, slippery substance that caused the plaintiff to slip and fall.

13. The Defendants **Publix Super Markets, Inc. and Fictitious Defendants A through I**, breached its duty to provide reasonably safe premises to invitee Odethea Nichols and other patrons, by negligently failing to provide a premises free from slippery substances and failing to clean up and remove said slippery substance where the Plaintiff slipped and fell, proximately injuring her.

14. The Defendants **Publix Super Markets, Inc. and Fictitious Defendants A through I** also breached its duty to warn or inform the Plaintiff and other patrons of the slippery and hazardous surface on the floor by not adequately placing warning signs, barriers and/or verbally informing their customers of the existence of the hazard.

15. The Plaintiff Odethea Nichols further alleges as a direct and proximate cause of said negligence on behalf of the Defendants **Publix Super Markets, Inc. and Fictitious Defendants A through I** she was caused to suffer the following injuries:

- She suffered injuries to her right shoulder, right hip and right ankle;
- She was caused to experience pain and suffering;
- She was caused to incur medical expenses; prescription expenses, and out of pocket expenses;
- She was caused to undergo extensive physical therapy;
- She was caused to lose wages from her employment; and
- She was caused a possible permanent injury.

WHEREFORE, the Plaintiff Odethea Nichols demands compensatory damages against the Defendant **Publix Super Markets, Inc. and Fictitious Defendants A through I**, whose true and correct names are unknown at this time, in an amount to be determined by this Honorable Court, plus interest and costs.



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SERVE DEFENDANT BY CERTIFIED MAIL AS FOLLOWS:

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